



Title: Data Protection Policy	Ref:CP005	Version:2
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Lead Person: Director, Institutional Effectiveness		
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Version:	Reviewer/Approval	Review Notes
1. October 2012	SMT/Policy Group	
2. 24 March 2015	Data Protection Review Group/ Audit & Risk Committee	Full review

## DATA PROTECTION POLICY

### Introduction

Activate Learning needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It also needs to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Activate Learning must comply with the Data Protection Principles, which are set out in the Data Protection Act 1998.

### Policy Statement

Activate Learning group is committed to and is required in law to comply with the principles of the Data Protection Act.

### Purpose

The purpose of this policy is to ensure that all staff adhere to and are compliant with the requirements of the Data Protection Act.

Failure to adhere to this policy, whether regarding another staff member, student or a third party, will be regarded as potential misconduct and may result in disciplinary proceedings being brought.

### Scope

This policy will apply to all employees, students and customers of Activate Learning who process personal data

## **Data Protection Principles**

Schedule 1 to the Data Protection Act lists the data protection principles in the following terms:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:
  - (a) at least one of the conditions in Schedule 2 is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## **Data Security**

All Employees must ensure that:

- any personal data which they hold because of their job is kept securely
- personal data is not disclosed either orally or in writing, intentionally or otherwise to any unauthorised third party

Personal information in the form of manual records should be:

- kept in a locked filing cabinet; or
- locked drawer; or
- other secure area

Personal information in the form of computerised records should be:

- password protected on the Activate Learning network/intranet; or
- in an area of the Activate Learning network/intranet where access is limited; or
- kept only on a data storage device (such as CD-ROM or portable data stick) which itself encrypted and secure

## **Personal Data**

This refers to data which relate to a living individual who can be identified –

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

## **Personal Employee Data**

The Group will ensure that all personal data likely to arise in the employer/employee relationship, from recruitment through to retention and beyond, is kept in accordance with the Data Protection Act 1998.

The Group will ensure through the recruitment and Human Resources procedures that all staff give their consent to this sort of processing of personal data, as required by the 1998 Act.

## **Personal Student Data**

The Group will ensure that all personal data likely to arise in the student journey from enquiry, application, enrolment, during the course and beyond, is kept in accordance with the Data Protection Act 1998.

The Group will ensure through the application and enrolment procedures, that all students give their consent to this sort of processing, and are notified of the categories of processing as required by the 1998 Act.

## **Responsibilities**

The Data Controller is responsible for monitoring and reviewing the Data Protection Policy ensuring people are aware of the procedures and processes in relation to the policy.

## **Notification of Data Held and Processed**

All staff, students and other users are entitled to:

- know what information Activate Learning holds and processes about them and why;
- know how to gain access to it;
- know how to keep it up to date;
- know what Activate Learning is doing to comply with its obligations under the 1998 Act.

Activate Learning has made a standard form of notification available to all staff, students and other relevant users. This states all the types of data Activate Learning holds and processes about them, and the reasons for which it is processed. This is contained in the 'Subject Access request procedures' document.

## **Publication of Information**

Information that is already in the public domain is exempt from the 1998 Act. It is Activate Learning's policy to make as much information public as possible. The Freedom of Information Act 2000 also gives you the right to ask any public body for all the information they have on any subject you choose unless an exemption in the Act legitimately applies. Requests must be made in writing and Activate Learning

has 20 working days in which to respond. In order to comply with this act Activate Learning has a Freedom of Information Publication Scheme available its website.

However, in addition to this certain personal data will be available to the public for inspection:

- Names of governors
- Register of interests of Governing Body members and senior staff with significant financial responsibilities
- Lists of key staff

Any individual who has good reason for wishing details in these lists or categories to remain confidential should contact the Data Protection Officer.

### **Definitions**

**Staff:** employed directly or indirectly including non-paid volunteer workers (including work and outside work hours).

**Students:** engaged in a learning agreement including full, part time, community, distance, on-line and workplace students.

**Data:** means information which:

(a) is being processed by means of equipment operating automatically in response to instructions given for that purpose,

(b) is recorded with the intention that it should be processed by means of such equipment,

(c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system,

(d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record

**Personal data** is information about a living individual, who is identifiable by the information, or who could be identified by the information combined with other data.

**Sensitive personal data** - includes information relating to age, marital status, race, colour, nationality, disability, political opinions, religion or beliefs, trade union membership, sexual orientation, gender, gender identity, health and criminal convictions.

The **Data-Controller** is a person with official responsibility for collecting, storing and processing legally acquired data. Organisations can be the 'person' in this context and Activate Learning is identified as the Data Controller on the data protection registration certificate.

A **Data Protection Officer** is appointed to oversee the co-ordination of. The Group Director of Institutional Effectiveness holds the role of Data Protection Officer for Activate Learning.

A **Data Processor** is an external person or organisation who processes information on behalf of the Data-Controller.

**Group** refers to all divisions, including colleges, within the Group.

## References

The Data Protection Act 1998

ICO Website ([www.ico.org.uk](http://www.ico.org.uk))

Data Protection training presentation

ICO Data Protection FAQs

Freedom of Information statement ([www.activatelearning.ac.uk/AL-freedom-of-information](http://www.activatelearning.ac.uk/AL-freedom-of-information))

Data Protection guidance on the use of student data

Use of Employees Personal Data Statement - available in the staff contract

Data Retention Schedule

Data Sharing agreement

Freedom of Information Procedures

Social Media Policy

Information Technology Systems and Network Security Policy

Subject Access Request Form

The use of Closed Circuit Television procedures